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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/726,372

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Fatih Ozluturk

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EXAMINER

STEIN, JULIE E

ART UNIT

PAPER NUMBER

2617

DATE MAILED: 09/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/726,372

Applicant(s)

OZLUTURK ET AL.

Examiner

Julie E. Stein, Esq.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 June 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 and 12-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 and 12-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

1. Claim 1, is objected to because of the following informalities: in the last line "said adjustments" should be deleted and in line 11, "use" should be "using". Appropriate correction is required.
2. Claim 6 is objected to because of the following informalities: "the electronic device," in line 3 does not appear previously in the claim; "pattern" should be "patterns" in line 7; and in line 12, "use" should be "using". Appropriate correction is required.
3. Claim 12 is objected to because of the following informalities: in lines 8 and 11, "pattern" should be "patterns" and in line 14 "use" should be "using". Appropriate correction is required.
4. Claim 13 is objected to because of the following informalities: in line 11 "use" should be "using". Appropriate correction is required.
5. Claim 18 is objected to because of the following informalities: in line 8 "use" should be "using". Appropriate correction is required.

Claim Rejections - 35 USC § 112

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
7. Claims 13 to 18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

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8. The claims recite “a **method** for use with an electronic device” but do not recite any steps for how the **method** is supposed to be practiced, instead, a list of steps performed by the electronic device is recited. Therefore, the claim is indefinite. See MPEP section 2173.05(q).

Claim Rejections - 35 USC § 101

9. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

10. Claims 13-18 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The claims recite “a method for use with an electronic device” but do not recite any steps for how the method is supposed to be practiced. As there are no steps recited, this is an improper process claim under section 101. See MPEP section 2173.05(q).

For purposes of the prior art rejections and in view of the above 112 and 101 rejections, claims 13-18 are being interpreted to be methods of adjusting electronic devices.

Claim Rejections - 35 USC § 102

11. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

12. Claims 1-6, 8-10, and 12-18 rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent Application Publication No. 2005/0054381 to Lee et al.

Lee discloses all the elements of independent claim 1, including an electronic device (computational device, such as cell phones or PDAs, paragraph 33) comprising:

a user input device for receiving input from a user (sensors 104, paragraphs 104 to 107 and user interface 204, paragraph 109);

a user device processing unit for performing functions of the electronic device (operating system 202/software application 206, paragraph 108);

a user interaction pattern monitoring device for monitoring user interaction patterns of the user, monitoring device parameter settings, and correlating user interaction patterns with device parameter settings (learning module 100, paragraphs 103 to 109);

an associated memory for storing user interaction pattern, device parameter state, and correlation information (knowledge base 102, paragraph 103);

a cognitive logic device for analyzing the use pattern, parameter state, and correlation information and for determining adjustments to the user device processing unit corresponding to particular user input, wherein the adjustments are based on increasing the ease of use a wireless device (reasoning base 108, paragraph 106); and

a user device processing unit controller for adjusting the user device processing unit in response to receipt of the particular user input in accordance with the determined adjustments (operation system 202, paragraph 108).

The rejection of claim 1 is hereby incorporated. Lee discloses all the elements of independent claim 6 including, a wireless transmit/receive unit (WTRU) (cell phones or PDAs, paragraph 33) comprising:

a user input device for receiving input from a user (sensors 104, paragraphs 104 to 107 and user interface 204, paragraph 109);

a user device processing unit for performing functions of the electronic device (operating system 202/software application 206, paragraph 108);

a user interaction pattern monitoring device for monitoring user interaction patterns of the user, monitoring device parameter settings, and correlating user interaction patterns with device parameter settings (learning module 100, paragraphs 103 to 109);

an associated memory for storing user interaction pattern, device parameter state, and correlation information (knowledge base 102, paragraph 103);

a cognitive logic device for analyzing the user interaction pattern, parameter state, and correlation information and for determining adjustments to the user device processing unit corresponding to particular user input, wherein the adjustments are determined based on increasing the ease of use a wireless device (reasoning base 108, paragraph 106); and

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a user device processing unit controller for adjusting the user device processing unit in response to receipt of the particular user input in accordance with the determined adjustments (operation system 202, paragraph 108).

The rejection of claims 1 and 6 are hereby incorporated. Lee discloses all the elements of independent claim 12, including an integrated circuit (computational device, paragraph 33) comprising:

an input configured to receive input from a user (sensors 104, paragraphs 104 to 107 and user interface 204, paragraph 109);

a processing unit, coupled to the input, for performing functions of an electronic device (operating system 202/software application 206, paragraph 108);

a user interaction pattern monitoring device, coupled to the processing unit, for monitoring user interaction patterns of the user, monitoring device parameter settings, and correlating user interaction patterns with device parameter settings (learning module 100, paragraphs 103 to 109);

an associated memory for storing user interaction pattern, device parameter state, and correlation information (knowledge base 102, paragraph 103);

a cognitive logic device, coupled to the associated memory, for analyzing the user interaction pattern, parameter state, and correlation information and for determining adjustments to the processing unit corresponding to particular user interaction input, wherein said adjustments are determined based on increasing the ease of use a wireless device (reasoning base 108, paragraph 106); and

a processing unit controller, coupled to the cognitive logic device and processing unit, for adjusting the processing unit in response to receipt of the particular user input in accordance with the determined adjustments (operation system 202, paragraph 1).

The rejections of claims 1, 6, and 12 are hereby incorporated. Lee discloses all the steps of independent claim 13, including a method for use with an electronic device, the electronic device performing steps comprising:

receiving user inputs at an electronic device indicating interactions of a user with processing of the electronic device (paragraph 109);

monitoring user interaction patterns of the user, monitoring device parameter settings, and correlating use patterns with device parameter settings (paragraphs 103-109);

analyzing user interaction pattern, parameter state, and correlation information (paragraph 106);

determining adjustments for the electronic device corresponding to the particular user input, wherein said adjustments are determined based on increasing the ease of use a wireless device (paragraphs 34 and 106); and

adjusting the electronic device in response to particular user input in accordance with the determined adjustments (paragraph 108).

Lee also discloses all the elements/steps of dependent claims 2, 8, and 14, including wherein the determined adjustments include changes to parameters, configurations and states of the user device processing unit. See e.g. paragraphs 265 to 267 and 318 to 333.

Lee also discloses all the elements/steps of dependent claims 3, 9, and 15, including wherein the cognitive logic device uses a cognitive model that creates rules based on an observed interactions of the user. See e.g., paragraphs 318 to 333, adaptive system for menus.

Lee also discloses all the elements/steps of dependent claims 4, 10, and 16, including wherein the user device unit controller selectively turns off rules in response to user interaction through the user input device. See, *Id.*

Lee discloses all the elements of claims 5 and 17, including wherein the cognitive logic device categorizes the user interaction patterns into either common interaction patterns (e.g. paragraph 168, applications related to the phone opening or closing) or style interaction patterns (e.g. paragraph 318, adaptive menus) and adjusts the electronic device based on the common interaction patterns (paragraph 168) and selectively adjusts the electronic device based on the style interaction patterns (paragraphs 318 to 333) in response to a current user interaction style.

The rejections of 1-6, 8-10, and 12-17 are hereby incorporated. Lee discloses all the steps of independent claim 18, including a method for use with an electronic device (computational device, such as cell phones or PDAs, paragraph 33), the electronic device performing steps comprising: receiving user inputs from a plurality of users at the electronic device indicating interactions of the users with processing of the electronic device (see above); determining interaction patterns of the user with the electronic device (see above); categorizing the determined interaction patterns as either common interaction patterns or style interaction patterns (see rejections of claims 5 and 17);

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based on the determined interaction patterns, determining adjustments for the electronic device (Id.); categorizing the determined adjustments as either common adjustments or style adjustments (Id.); and adjusting the electronic device using the common adjustments and selectively applying the style adjustments in response to a current user interaction style (Id).

13. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lee.

Lee does not explicitly teach all the elements of claim 7, including wherein the processing unit comprises a digital signal process and a reduced instruction set processor. However, the Examiner takes Official Notice that both DSPs and RISCs are well known in the art and that it would have been obvious to one of ordinary skill in the art at the time the invention was made that such processors would be used in PDAs and mobile phones.

Response to Arguments

14. Applicant's arguments with respect to claims 1-10 and 12-18 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

15. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. U.S. Patent Application Publication Nos. 2006/0136965 to Ellis et al., 2003/0093784 to Dimitrova et al., and 2003/0018973 to Thompson, all teach various methods and apparatuses that interact with users and adapt based on user preferences.


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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Julie E. Stein, Esq. whose telephone number is (571) 272-7897. The examiner can normally be reached on M-F (8:30 am-5:00 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Eng can be reached on (571) 272-7495. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JES



GEORGE ENG
SUPERVISORY PATENT EXAMINER